

IN THE UNITED STATES COURT
FOR THE DISTRICT OF PUERTO RICO

ORLANDO ALEJANDRO-
ORTÍZ, ET AL.,

Plaintiffs,

v.

Civ. No.: 10-1320(SCC)

P.R. ELEC. POWER AUTH.,

Defendant.

MEMORANDUM AND ORDER

On September 18, 2013, we granted Plaintiffs' Fourth Motion to Execute, Docket No. 410, and permitted execution of the \$1,000,000 judgment in favor of Plaintiff Orlando Alejandro-Ortíz and his minor sons. Docket No. 411. Defendant PREPA then filed an Emergency Motion to Stay the Execution of Judgment before the First Circuit. *See* Docket No. 415 (notifying Court of PREPA's motion). PREPA argued that our order permitting execution — and in particular our reliance on Plaintiff Sonia Rodríguez-Jiménez's statement forfeiting any

future right to the \$1,000,000 award—impermissibly altered the issues on appeal. *See* Docket No. 415-1. The First Circuit subsequently entered a temporary stay of our Order to allow the Circuit time to consider PREPA’s motion, *Alejandro-Ortiz v. P.R. Elec. Power Auth.*, No. 12-2450, slip op. at 1 (1st Cir. Sept. 20, 2013), and we accordingly stayed execution pending the Circuit’s resolution of the matter, Docket No. 421.

The First Circuit has now spoken on the matter. *See Alejandro Ortiz*, No. 12-2450, slip op. at 1 (1st Cir. Oct. 2, 2013). The Circuit held that “there is no risk that PREPA will be hurt by being required to pay the \$1,000,000 in awards to Alejandro-Ortiz and the children now.” *Id.* at 3. The Circuit further affirmed our holding that the awards to Alejandro and his sons, which is not being appealed, is separate from the award to Rodríguez, which is. *Id.* Thus, the Circuit held that “PREPA ha[d] failed to show how, in view of the statement of Rodriguez-Jimenez, the outcome of her appeal could alter the awards to the other three plaintiffs.” *Id.* at 3–4. Accordingly, the Circuit held that we “did not exceed [our] jurisdiction and did not violate Rule 62(d), and, as such, it declined “to extend [our] order of stay pending appeal to include the entire judgment.” *Id.* at 4. Thus it denied PREPA’s emergency motion

and terminated the temporary stay previously entered. *Id.*

In light of the First Circuit's order, then, we now dissolve the stay entered at Docket No. 421 and ORDER that execution shall proceed as previously ordered at Docket No. 411. We furthermore ACCEPT Plaintiffs' proposed writs of attachment and garnishment. *See* Docket No. 414.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this _____.

S/ SILVIA CARREÑO-COLL

UNITED STATES MAGISTRATE JUDGE